

Bill Will Responsibly Increase Available Seasonal Workers for Crawfish, Shrimp, Sugar Processors

April 17, 2008

WASHINGTON, D.C. - U.S. Charlie Melancon (D-LA) today introduced the Seasonal Workforce Assistance Act today to responsibly help Louisiana's small businesses secure the temporary workers they depend on every year ([click here](#) for bill).

Yesterday, Rep. Melancon

[submitted testimony](#)

to a House Subcommittee hearing in support of passing a short-term extension of the H-2B returning worker exemption, which the Seasonal Workforce Assistance Act would do.

Bill Will Responsibly Increase Available Seasonal Workers for Crawfish, Shrimp, Sugar Processors

April 17, 2008

WASHINGTON, D.C. - U.S. Charlie Melancon (D-LA) today introduced the Seasonal Workforce Assistance Act today to responsibly help Louisiana's small businesses secure the temporary workers they depend on every year ([click here](#) for bill).

Yesterday, Rep. Melancon

[submitted testimony](#)

to a House Subcommittee hearing in support of passing a short-term extension of the H-2B returning worker exemption, which the Seasonal Workforce Assistance Act would do. This bill, which mirrors legislation previously passed in 2005 and 2006 by Congress, would address the critical seasonal labor shortage facing many Louisiana small businesses, including crawfish, shrimp and sugar processors.

"As spring continues and crawfish and shrimp harvesting season peak, the cries from Louisiana processors who don't have enough workers are reaching a fevered pitch," said Rep. Melancon. "For generations, these small business owners have relied on temporary workers to peel crawfish or boil sugar a few months a year. Without legislation like the Seasonal Workforce Assistance Act, many of these south Louisiana businesses will be forced to scale back their operations, or worse: close down for the year. This crisis would ripple through south Louisiana's economy, hurting countless other workers and businesses."

Rep. Melancon continued, "The Seasonal Workforce Assistance Act will address this labor crisis by extending the returning worker exemption for one year, thereby increasing the number of temporary worker visas available for the south Louisiana businesses that depend on them. However, unlike previously introduced legislation, this bill will only temporarily increase the cap, to avoid flooding Louisiana's job market with a continuously expanding pool of foreign workers."

"The Seasonal Workforce Assistance Act is a balanced approach that will help our processors and other small businesses get the seasonal workers they rely on, while still ensuring that Louisianians can get good-paying jobs."

Businesses in south Louisiana have self-reported that they employed 1,968 H-2B workers last year, almost 600 of which were in the Third Congressional District. However, temporary foreign workers are only a small segment of their workforce, as these businesses reported that they also employ 13,000 Louisianians to fill other jobs.

Congressman Melancon has supported past temporary increases in the number of H2B visas available for seasonal, nonimmigrant foreign workers that assist U.S. businesses during peak seasons. He co-sponsored H.R. 793, the Save Our Small and Seasonal Business Act in the 109th Congress (2005-2006), which was passed into law in 2005 as part of an emergency supplemental appropriations bill (H.R. 1268) ([click here](#) for fact sheet).

Since the returning worker exemption expired in late 2007, Rep. Melancon has been working with his colleagues in Congress to pass another temporary extension that would moderately increase the number of H2B visas available for businesses to bring in seasonal workers.

However, Rep. Melancon did not support the legislation that was previously introduced this Congress (H.R. 1843) because it does not include an expiration date for the extension. The bill, which has been held up in committee, states that any foreign worker who received an H2B visa in any of the previous three years would be exempt from the current year's cap on H2B visa holders (currently 66,000 per year), and this exemption would continue for an indefinite period of time. Rep. Melancon is concerned that this open-ended provision could potentially increase by an additional 66,000 every year the number of temporary foreign workers in the United States, because previous H2B visa holders would not count toward the annual cap.

Because of his concerns, today Rep. Melancon introduced legislation extending for one year a temporary increase in seasonal foreign workers that help businesses during peak seasons. Similar to legislation Congress passed in 2005 and 2006, the Seasonal Workforce Assistance Act would temporarily exempt for fiscal 2008 only any temporary worker who had received a H2B visa in FY2005, FY2006, or FY2007. If passed, this bill would provide small businesses with the seasonal foreign workers as they have depended on in previous years, without opening

the door for tens of thousands of additional foreign workers every year.

"Louisiana businesses rely on seasonal foreign workers to fill their labor shortages during their busy season so they can stay open and provide jobs for Louisianians year-round," Rep. Melancon continued. "The Seasonal Workforce Assistance Act will address the seasonal labor shortage without creating a foreign labor surplus that could take good-paying jobs from Americans. I am proud to introduce it, and will continue to work in Congress with colleagues from both sides of the aisle to fix the seasonal worker crisis in a quick and effective manner."

The H2B visa is available to employers of foreign workers not working in the agricultural field. This visa is only available for work that is temporary in nature. For H2B purposes, that means:

- * Recurring seasonal need;
- * Intermittent need;
- * Peak-load need; and
- * One time occurrence.

The employer must also prove that there are no unemployed US workers willing or able to do the work. This is established through the state's employment agency using a labor certification process. This process requires a recruitment campaign, including advertising in a local newspaper for available temporary workers.

#